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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,976	12/10/2003	Toshihiko Kaku	4243-0105P	5101
2292 7590 07/02/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
WASHINGTON, JAMARES				
ART UNIT		PAPER NUMBER		
2625				
NOTIFICATION DATE		DELIVERY MODE		
07/02/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/730,976	<b>Applicant(s)</b> KAKU ET AL.
<b>Examiner</b> JAMARES WASHINGTON	<b>Art Unit</b> 2625

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 11 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  
NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

/King Y. Poon/  
Supervisory Patent Examiner, Art Unit 2625

/Jamares Washington/  
Examiner, Art Unit 2625

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments with respect to claims 1, 6, 9 and 12 are not persuasive.

Portions of the specification cited by applicant further leads examiner to believe there is lack of support for the claimed subject matter: "correction information includes steps taken to make said correction...". For instance page 6 (as cited by applicant) recites that in describing the image correction processor section, it "generates correction information which describes details of the image corrections made to the objects, at least to the extent that the objects before the corrections can be reproduced". Simply listing the corrections made to the objects (e.g., smoothing, sharpening, compression, etc.) is sufficient "correction detail" for reproducing the original object and therefore does not provide support for the actual "steps taken" to perform each individual correction.

Page 24 of the specification (as recited by applicant) states that "the correction information allows the original [features] to be restored from the corrected [features] and thereby allows the corrected image data to be returned to the original image data". Again, there is no mention of the "steps taken" to perform each particular correction. Simply having the corrections performed as the correction information would allow the original image to be restored from the corrected image. Thus the cited portion of the disclosure fails to explicitly disclose the correction information being that of information which includes "steps taken" to perform the corrections. Applicant further argues if the steps taken to effect the corrections present in the corrected image data were not present in the correction information, it would not be possible to restore the original image data from the corrected image data. Examiner disagrees. As mentioned before, simply supplying the corrections made to the objects (e.g., sharpening, smoothing, compression, etc.) is sufficient for reproducing the original without supplying the steps taken to perform, for example, sharpening. For instance "Undo sharpening" is sufficient for an image that has been sharpened rather than providing the "reverse algorithm steps".

Page 26 of the specification, as recited by applicant, states that part of the invention "generates correction information which describes details of the image corrections made to the [image features]". Applicant argues that this is a clear statement identical in content and meaning to the claim limitation that "correction information includes steps taken to make said correction". Examiner disagrees. Further reading of page 26 lines 7-12 recites "the correction information includes, for example, changes in the sizes and shapes of the corrected objects, variations in their RGB values, brightness, saturation, and hues, and image data which indicates the places from which the objects were cut out before the image correction." The aforementioned further strengthens examiner's position that the specification does not provide clear support for the correction information including "steps taken" to perform the corrections listed above, instead merely contains the detailed "list" of corrections made to an object or objects.

Page 29 of the specification is believed by examiner to be a mistake on applicant's part and will be construed as meaning page 30 of the specification which states "the correction information generated in Step S2\_2 is converted into its inverse, i.e. correction information...which describes processes needed to restore the original [features] from the corrected [features]". Examiner points out that the correction information describes the actual "processes" needed to restore the image which is merely the "corrections made" to the object and does not provide support for "steps taken to perform the individual processes".

Regarding applicant's argument that the incidental image data disclosed by Matsugu does not include information about the steps taken to make image corrections, or about how to undo or repeat the correction steps taken with respect to the image data. Matsugu only discloses restoring the original image data by storing the original image data, or relevant portions thereof, in a separate file or file header so that it may be recovered or referenced for later use (Col. 17, line 59 to Col. 18 line 3). Therefore, Matsugu does not disclose embedding "correction information [that] includes steps taken to make said correction so that the stored image data contains information to undo or repeat said correction". As previously shown by examiner in the above arguments, "steps taken to make said correction" will be construed as the actual processes performed in correcting the image as applicant has not provided evidence for interpreting the language otherwise. Matsugu discloses at Col. 14 lines 53-58 that the presence/absence of execution of image conversion...are recorded in the prepared incidental information data file. Meaning, the incidental information includes the processes implemented to convert the image. Col. 14 lines 63-65 states that the incidental information may be recorded as electronic watermark data so that it cannot visually be recognized on the image. Therefore Matsugu discloses that the incidental information which includes the processes implemented to convert the image, can be embedded within the image itself.

Regarding the arguments for claims 6, 9 and 12 that the "correction information includes 'steps taken' to make said correction so that the stored image data contains information to undo or repeat said correction", see arguments pertaining to claim 1 addressed above.